

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, FEBRAURY 25, 19 91

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING February 25, 19 91 IN REGULAR SESSION. PRESIDENT THOMAS C. HENRY IN THE CHAIR, COUNCIL ATTORNEY STANLEY A. LEVINE, AND SANDRA E. KENNEDY CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS \_\_\_\_\_ VIZ:

BRADBURY P, EDMONDS P, GIAQUINTA P,  
HENRY P, LONG P, LUNSEY P,  
RAVINE P, SCHMIDT P, TALARICO P

ABSENT: \_\_\_\_\_

COUNCILMEMBER: \_\_\_\_\_

THE MINUTES OF THE LAST REGULAR February 11, 19 91

\_\_\_\_\_ 19 \_\_\_\_\_

SPECIAL \_\_\_\_\_, 19 \_\_\_\_\_

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

February 4, 1992

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated utility easement.

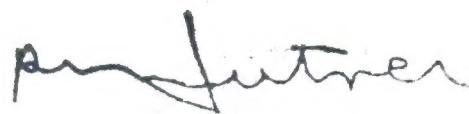
The proposed ordinance is designated as:

Bill No. G-91-01-30

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of February 1992.

  
\_\_\_\_\_  
Robert Hutner  
Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

# Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Utility Easement Vacation		

DETAILS	POSITIONS	RECOMMENDATIONS
<b>Specific Location and/or Address</b> Interstate Industrial Park (east of Executive Blvd. and south of Research Drive)	Sponsor	
<b>Reason for Project</b> To eliminate building encroachment. To allow for future construction.	Area Affected	City Wide  Other Areas
	Applicants/ Proponents	Applicant(s) Magnavox Electronic Systems City Department  Other
<b>Discussion (Including relationship to other Council actions)</b> <u>27 January 1992 - Public Hearing</u>  Miguel Trevino, Senior Civil Engineer for Magnavox appeared before the Commission. Mr. Trevino stated that they would like the easement vacated to enable them to extend and add additional construction to the building. He stated that they do own the properties on both sides of the easement, which runs and dead ends into Spy Run Creek and Executive Blvd.  Mark Gensic questioned if the existing building was not already encroaching into the easement.  Mr. Trevino stated that it did. He stated that the person who did the initial building spoke with I&M and received a document from them stating that they vacated the easement. He stated that the person was unaware of the need to go through the city.  Mark Gensic questioned if there were any utilities in the easement.  Mr. Trevino stated that it was strictly an I&M easement.	Opponents	Groups or Individuals  Basis of Opposition
	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
	Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

## DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

3 February 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, six (6) voted in favor of the motion.

Motion carried.

## **POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**      **Date** 19 Decenber 1991

Projected Completion or Occupancy      Date      6 February 1992

Fact Sheet Prepared by \_\_\_\_\_ Date 6 February 1992

Patricia Biancaniello

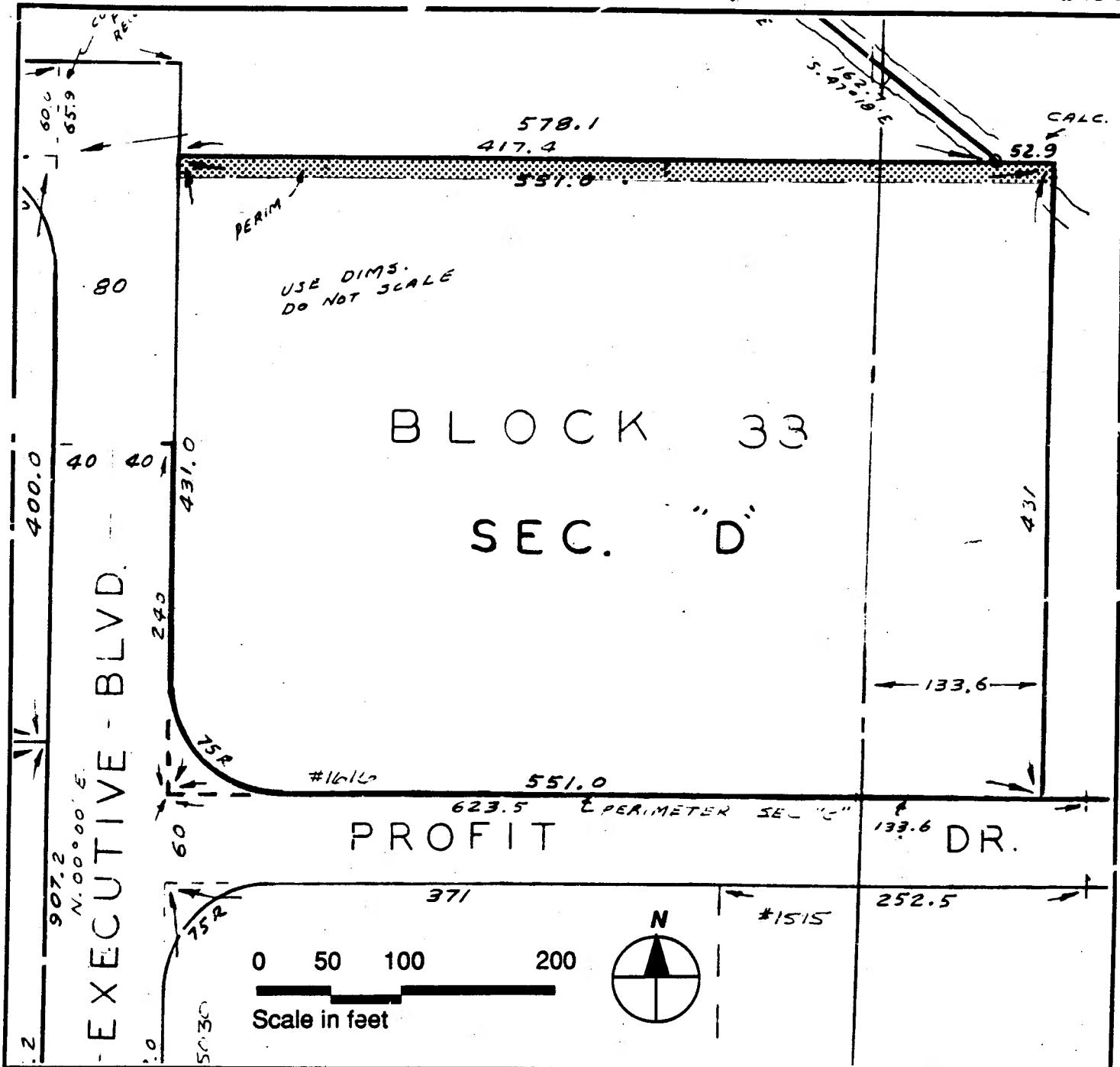
Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

**References or Case Numbers**

# VACATION PETITION

## AREA MAP

CASE NO. #494



COUNCILMANIC DISTRICT NO. 3

Map No. J-34  
LW 12-30-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Miquel A. Trevino, P.E., agent for Magnavox Electronic Systems Company, request the vacation of an utility easements.

Location: Interstate Industrial Park (East of Executive Blvd. and south of Research Drive)

Legal: See File

Land Area: Approximately 0.19 acres

Zoning: This area is zoned M-2

Surroundings:      North      M-2      Industrial Park  
                         South      M-2      Industrial Park  
                         East      M-2      Industrial Park  
                         West      M-2      Industrial Park

Reason for Request: To eliminate an encroachment.

Neighborhood Assoc.: None

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioners are requesting the vacation of an utility easement. Petitioners state that they own property on all sides of the easement. They were apparently under the impression that the easement had been vacated earlier, but were unable to verify such a vacation. The existing building extends over the easement, and may present a potential problem to obtaining a clear title.

Staff has no objections to the vacation as long as the petitioners can provide replacement utility easements or relocations as needed. The area has already been developed and this vacation should not effect existing or future growth.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as necessary, and for the following reasons:

- 1) Approval will not effect existing or future growth of the area.

RESOLUTION 79-195-7

WHEREAS, MAGNAVOX ELECTRONIC SYSTEMS COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The north fourteen (14) feet of Block #33 Interstate Industrial Park Section "D" as recorded in Plat Book 30, Page 1, within the Recorder's Office of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

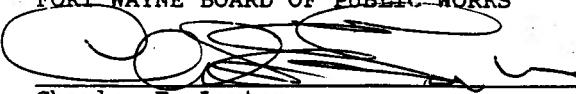
BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

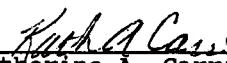
STATE OF INDIANA)  
) SS:  
COUNTY OF ALLEN )

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held FEbruary 12, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 12<sup>th</sup> DAY OF February, 1992

FORT WAYNE BOARD OF PUBLIC WORKS

  
Charles E. Layton  
Director of Public Works

  
Katherine A. Carrier  
Member, Board of Public Works

---

C. James Owen  
Member, Board of Public Works

## **RESOLUTION**

WHEREAS, MAGNAVOX ELECTRONIC SYSTEMS COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The north fourteen (14) feet of Block #33 Interstate Industrial Park Section "D" as recorded in Plat Book 30, Page 1, within the Recorder's Office of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana. Indiana Code Section 36-7-4-12;

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 27, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA) ) SS:  
COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, February 3, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 5th DAY OF February 1992

**FORT WAYNE CITY PLAN COMMISSION**

penitent

Robert Hutner  
Secretary

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its REGULAR session, held on 25th day of FEBRUARY, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Sandra E. Kennedy  
City Clerk